

**W. CHARLES BAILEY, JR.**  
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December 1, 2005

The Honorable Benson E. Legg  
United States District Court Chief Judge  
United States District Court for the  
District of Maryland  
Third Floor, Room 340  
101 W. Lombard Street  
Baltimore, MD 21201

Re: In the Matter of the Complaint of  
Eternity Shipping Ltd., *et al.* for  
Exoneration from or Limitation of Liability  
Civil No. L-01-250

Dear Judge Legg:

On behalf of the Respondent Josefina Gonzales, we respectfully request an extension of the dates currently set in the Court's November 22, 2005 Memorandum to Counsel.

Under the current order, briefing on the "Section 20(g)" issue from Mrs. Gonzales' is due on or before December 5 and responses from the Eternity Shipping side are due on or before December 12. We also understand that the Court has asked the sides to state whether or not they are available for additional oral argument on December 12, 13, or 14 of this year.

We have exchanged correspondence with each of the various counsels, and have been unable to identify a mutually open date for oral argument.

Counsel for American Bureau of Shipping and Eternity Shipping are available on all three dates.

Counsel for Louis Dreyfus, Mr. Gorman, is not available on December 12. Mr. Gorman's daughter is getting married on December 17, and he stated to the undersigned that he would "welcome" a postponement.

Mr. Asperger, counsel for Tate and Lyle is only available December 12. He will be in depositions in the state of Iowa on December 13 and 14.

Mr. Brunkenhoefer, lead counsel for Mrs. Gonzales, is not available on December 12 or December 13. He will be participating in all-day Court ordered mediation on December 12 in the matter of Huth v. Pelican Offshore. On December 13, he will be deposing 5 elderly witnesses in the matter of Pena et al v. Texas Freightways, currently pending in the 381<sup>st</sup> District Court of Starr County, Texas. Mr. Brunkenhoefer will be taking his family on vacation on December 14, but can appear by phone on that date.

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In addition, Mr. Brunkenhoefer has been out of the office this week in depositions. As such, he is unable to prepare a brief by the December 5 deadline.

Given the current state of affairs, we respectfully request a postponement of the dates currently established by this Court's November 28 order as follows:

Mrs. Gonzales' brief on contract section 20(g) currently due on December 5, be filed on December 12.

Eternity Shipping's Reply to Mrs. Gonzales currently due on December 12, be filed on December 19.

Oral argument be rescheduled for December 21-23, the week of December 26, or the second week of January.

We have discussed this extension request with counsel for the various parties.

Mr. Whitman, counsel for Eternity Shipping, is available all three dates presently suggested by the Court, and **does not** consent to an extension of the currently scheduled dates.

Mr. Asperger, counsel for Tate and Lyle, consents to the postponement request.

Messrs. Saville and Clyne, Counsel for ABS, are available on all three dates presently suggested by the Court, but, nonetheless, do not object to this postponement request.

Mr. Sevel, counsel for the Cantey and Langville plaintiffs, consents to the postponement request. He wishes to inform the Court that, if the Court wishes to hear from him, he will be out of the country December 17-28.

As noted above, Mr. Gorman, counsel for Louis Dreyfus would "welcome" a postponement until January, since his wife and daughter have him fully committed for the days preceding his daughter's December 17 wedding.

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We apologize that our schedule has caused this level of difficulty and, naturally, will do whatever the Court commands. We further thank the Court in advance for its consideration.

Should the Court require any further information, we stand ready to reply.

Respectfully,

/s/

W. Charles Bailey, Jr.  
Local Counsel for Josefina Gonzales